IN THE HIGH COURT OF CHHATTISGARH AT

BILASPUR

[WRIT JURISDICTION]

WRIT PETITION 2337 / 2003

IN THE MATTER OF: -

P. R. No. 2129/03
Presented by Shri Suryakant Mishra
dated 31.12.03

Aswani Kumar Mehar
S/o Sri k.R. Mehar
Aged about 32 years
R/O Churcha Colliery
Quarter No. 627, Baikunthpur
Distt. Korea {Chhattisgarh}

PETITIONER

VERSUS

01. THE CHAIRMAN-CUM- MANAGING DIRECTOR
S.E.C.L. Seepat Road,
Bilaspur [C.G.]

RESPONDENTS

02. THE CHIEF GENERAL MANAGER
South Eastern Coalfields Ltd.,
Balkunthpur Area. Baikunthpur,
Distt. Korea [C.G.]

03. CHIEF PERSONAL MANAGER
Department of Regional Personal Administration
Headquarter. Baikunthpur
Distt. Korea. {Chhattisgarh}

04. SUPERINTEDENT / MANAGER
Churcha west Colliery
Churcha, baikunthpur
Distt. Korea. {Chhattisgarh}

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(22)

आदेश पत्रक

मामला क्रमांक WP 2337/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	28-8-2003 Shri S.K. Mishra, counsel for the petitioner. Heard. The learned counsel for the petitioner submits that the petitioner was appointed as apprentice in the Churcha West Colliery on 16-3-1994, vide order No. MP/BKP/PM/94/244, Annexure-P/1 and since then the petitioner is carrying out his duties with sincerity and full dedication and some employees who are juniors to the petitioner are being promoted to the higher cadre whereas the petitioner is still working in the category No.2. Vide order dated 21-7-2003 a notice was issued by the respondent No.4 intimating some of the apprentices to appear for the trade test to be conducted on 23-7-2003 at 11 a.m. Two apprentices who were working in the category No.2 namely, Subran and Ram Sumer Singh were informed by the respondent No.4 to take the trade test. They are juniors to the petitioners and the petitioner was not allowed to appear in the test and the name of the petitioner was deleted deliberately, therefore, a writ in the nature of certiorari for quashing the impugned order/notice dated 21-7-2003 issued by the respondent No.4 be passed and direct the respondent No.4 to allow the petitioner to take the trade test. I have heard the learned counsel for the petitioner. The learned counsel for the petitioner submitted that the persons who were juniors to the petitioner were allowed to appear in the trade test whereas, the petitioner was not informed to appear in the test which is	

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(23)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

arbitrary and illegal. Counsel further submitted that the petitioner may be allowed to make representation before the respondent No.4.

Having heard the learned counsel for the petitioner and having regard to the facts and circumstances of the case, the petitioner is allowed to make representation raising all his grievances against the said test before the respondent No.4 within a period of ten days and the respondent No.4 will consider the representation of the petitioner in an objective manner and pass appropriate order considering all the facts and circumstances of the case within a period of 30 days from the date of receipt of the representation.

With these observations, the writ petition is disposed of.

Consequently, M.(W.)P. No. 2144/2003 and I.A. No. 7221/2003 stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Judge 24/8

Barve